

2015-16 Trailer Bill Language
California Community Corrections Performance Incentives

SECTION 1. Section 1230 of the Penal Code is amended to read:

1230.

(a) Each county is hereby authorized to establish in each county treasury a Community Corrections Performance Incentives Fund (CCPIF), to receive all amounts allocated to that county for purposes of implementing this chapter.

(b) Notwithstanding any other law, in any fiscal year for which a county receives moneys to be expended for the implementation of this chapter, the moneys, including any interest, shall be made available to the CPO of that county, within 30 days of the deposit of those moneys into the fund, for the implementation of the community corrections program authorized by this chapter.

(1) The community corrections program shall be developed and implemented by probation and advised by a local Community Corrections Partnership.

(2) The local Community Corrections Partnership shall be chaired by the CPO and comprised of the following membership:

(A) The presiding judge of the superior court, or his or her designee.

(B) A county supervisor or the chief administrative officer for the county or a designee of the board of supervisors.

(C) The district attorney.

(D) The public defender.

(E) The sheriff.

(F) A chief of police.

(G) The head of the county department of social services.

(H) The head of the county department of mental health.

(I) The head of the county department of employment.

(J) The head of the county alcohol and substance abuse programs.

(K) The head of the county office of education.

(L) A representative from a community-based organization with experience in successfully providing rehabilitative services to persons who have been convicted of a criminal offense.

(M) An individual who represents the interests of victims.

(3) Funds allocated to probation pursuant to this act shall be used to provide supervision and rehabilitative services for adult felony offenders subject to local supervision, and shall be spent on evidence-based community corrections practices and programs, as defined in subdivision (d) of Section 1229, which may include, but are not limited to, the following:

(A) Implementing and expanding evidence-based risk and needs assessments.

(B) Implementing and expanding intermediate sanctions that include, but are not limited to, electronic monitoring, mandatory community service, home detention, day reporting, restorative justice programs, work furlough programs, and incarceration in county jail for up to 90 days.

(C) Providing more intensive local supervision.

(D) Expanding the availability of evidence-based rehabilitation programs including, but not limited to, drug and alcohol treatment, mental health treatment, anger management, cognitive behavior programs, and job training and employment services.

(E) Evaluating the effectiveness of rehabilitation and supervision programs and ensuring program fidelity.

(4) Notwithstanding any other law, the CPO shall have discretion to spend funds on any of the above practices and programs consistent with this act but, at a minimum, shall devote at least 5 percent of all funding received to evaluate the effectiveness of those programs and practices implemented with the funds provided pursuant to this chapter. A CPO may petition the

~~Administrative Office of the Courts~~ Judicial Council to have this restriction waived, and the ~~Administrative Office of the Courts~~ Judicial Council shall have the authority to grant such a petition, if the CPO can demonstrate that the department is already devoting sufficient funds to the evaluation of these programs and practices.

(5) Each probation department receiving funds under this chapter shall maintain a complete and accurate accounting of all funds received pursuant to this chapter.

SECTION 2. Section 1231 of the Penal Code is amended to read:

1231.

(a) Community corrections programs funded pursuant to this act shall identify and track specific outcome-based measures consistent with the goals of this act.

(b) The ~~Administrative Office of the Courts~~ Judicial Council, in consultation with the Chief Probation Officers of California, shall specify and define minimum required outcome-based measures, which shall include, but not be limited to, all of the following:

(1) The percentage of persons subject to local supervision who are being supervised in accordance with evidence-based practices.

(2) The percentage of state moneys expended for programs that are evidence based, and a descriptive list of all programs that are evidence based.

(3) Specification of supervision policies, procedures, programs, and practices that were eliminated.

(4) The percentage of persons subject to local supervision who successfully complete the period of supervision.

(c) Each CPO receiving funding pursuant to Sections 1233 to 1233.6, inclusive, shall provide an annual written report to the ~~Administrative Office of the Courts~~ Judicial Council evaluating the effectiveness of the community corrections program, including, but not limited to, the data described in subdivision (b).

(d) The ~~Administrative Office of the Courts~~ Judicial Council shall, in consultation with the CPO of each county and the Department of Corrections and Rehabilitation, provide a quarterly statistical report to the Department of Finance including, but not limited to, the following statistical information for each county:

(1) The number of felony filings.

(2) The number of felony convictions.

(3) The number of felony convictions in which the defendant was sentenced to the state prison.

(4) The number of felony convictions in which the defendant was granted probation.

(5) The adult felon probation population.

(6) The number of adult felony probationers ~~felons~~ who had their probation terminated and revoked and were sent to state prison for that revocation.

(7) The number of adult felony probationers sent to state prison for a conviction of a new felony offense, including when probation was revoked or terminated.

(8) The number of felons who had their probation revoked and were sent to county jail for that revocation.

(9) The number of adult felony probationers sent to county jail for a conviction of a new felony offense, including when probation was revoked or terminated.

(10) The number of felons placed on postrelease community supervision, commencing January 1, 2012.

(11) The number of felons placed on mandatory supervision, commencing January 1, 2012.

(12) The mandatory supervision population, commencing January 1, 2012.

(13) The postrelease community supervision population, commencing January 1, 2012.

(14) The number of felons on postrelease community supervision sentenced to state prison for a conviction of a new felony offense, commencing January 1, 2012.

(15) The number of felons on mandatory supervision sentenced to state prison for a conviction of a new felony offense, commencing January 1, 2012.

(16) The number of felons who had their postrelease community supervision revoked and were sent to county jail for that revocation, commencing January 1, 2012. This number shall not include felons on postrelease community supervision who are flash incarcerated pursuant to Section 3453.

(17) The number of felons on postrelease community supervision sentenced to county jail for a conviction of a new felony offense, including when postrelease community supervision was revoked or terminated, commencing January 1, 2012.

(18) The number of felons who had their mandatory supervision revoked and were sentenced to county jail for that revocation, commencing January 1, 2012.

(19) The number of felons on mandatory supervision sentenced to county jail for a conviction of a new felony offense, including when mandatory supervision was revoked or terminated, commencing January 1, 2012.

SECTION 3. Section 1232 of the Penal Code is amended to read:

1232.

Commencing no later than 18 months following the initial receipt of funding pursuant to this act and annually thereafter, the ~~Administrative Office of the Courts~~ Judicial Council, in consultation with the Department of Corrections and Rehabilitation, the Department of Finance, and the Chief Probation Officers of California, shall submit to the Governor and the Legislature a comprehensive report on the implementation of this act. The report shall include, but not be limited to, all of the following information:

(a) The effectiveness of the community corrections program based on the reports of performance-based outcome measures required in Section 1231.

(b) The percentage of offenders subject to local supervision whose supervision was revoked and who were sent to prison or jail for the year on which the report is being made.

(c) The percentage of offenders subject to local supervision who were convicted of crimes during their term of supervision for the year on which the report is being made.

(d) The impact of the moneys appropriated pursuant to this act to enhance public safety by reducing the percentage and number of offenders subject to local supervision whose supervision was revoked for the year being reported on for violations or new convictions, and to reduce the number of offenders subject to local supervision who are sentenced to prison or jail for a new conviction for the year on which the report is being made.

(e) Any recommendations regarding resource allocations or additional collaboration with other state, regional, federal, or local entities for improvements to this act.

SECTION 4. Section 1233 of the Penal Code is amended to read:

1233.

(a) The Director of Finance, in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, the Chief Probation Officers of California, and ~~Administrative Office of the Courts~~ Judicial Council, shall, for each county, calculate, a baseline local supervision admission to prison rate, baseline local supervision technical violation admission to prison rate and a baseline local supervision admission to prison for the conviction of new crime rate. ~~a baseline probation failure rate that equals the weighted average number of adult felony probationers sent to state prison during calendar years 2006 to 2008, inclusive, as a percentage of the weighted average adult felony probation population during the same period.~~

(b) For fiscal year 2015-16:

- (1) The baseline local supervision admission to prison rate shall equal the number of felons on adult felony probation, mandatory supervision and postrelease community supervision sent to state prison during calendar year 2013 as a percentage of the average total population of felons on adult felony probation, mandatory supervision and postrelease community supervision during the same period.
- (2) The baseline local supervision technical violation admission to prison rate shall equal the number of adult felony probationers who had their probation revoked for a technical violation and were sent to prison for that revocation during calendar year 2013 as a percentage of the average total population of adult felony probationers during the same period.
- (3) The baseline local supervision admission to prison for the conviction of new crime rate shall equal the number of felons on adult felony probation, mandatory supervision and postrelease community supervision sent to state prison for a conviction of a new felony offense including when probation was revoked or terminated during calendar year 2013, as a percentage of the average total population of felons on adult felony probation, mandatory supervision and postrelease community supervision during the same period.

~~(b) For purposes of calculating the baseline probation failure rate, the number of adult felony probationers sent to prison shall include those adult felony probationers sent to state prison for a revocation of probation, as well as adult felony probationers sent to state prison for a conviction of a new felony offense. The calculation shall also include adult felony probationers sent to prison for conviction of a new crime who simultaneously have their probation term terminated.~~

(c) Beginning in fiscal year 2016-17:

- (1) The baseline local supervision admission to prison rate shall equal the average number of felons on adult felony probation, mandatory supervision and postrelease community supervision sent to state prison during calendar years 2013 and 2014, as a percentage of the average total population of felons on adult felony probation, mandatory supervision and postrelease community supervision during the same period.
- (2) The baseline local supervision technical violation admission to prison rate shall equal the average number of adult felony probationers who had their probation revoked for a technical violation and were sent to prison for that revocation during calendar years 2013 and 2014, as a percentage of the average total population of adult felony probationers during the same period.
- (3) The baseline local supervision admission to prison for the conviction of new crime rate shall equal the number of felons on adult felony probation, mandatory supervision and postrelease community supervision sent to state prison for a conviction of a new felony offense including when their term of supervision was revoked and terminated during calendar years 2013 and 2014, as a percentage of the average total population of felons on adult felony probation, mandatory supervision and postrelease community supervision during the same period.

SECTION 5. Section 1233.1 of the Penal Code is amended to read:

1233.1.

After the conclusion of each calendar year, the Director of Finance, in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, the Chief Probation Officers of California, and the Administrative Office of the Courts, shall calculate the following for that calendar year:

(a) The cost to the state to incarcerate in a contract facility and supervise on parole an offender who fails local supervision and is sent to prison. This calculation shall take into consideration factors, including, but not limited to, the average length of stay in prison for offenders subject to local supervision and the average length of parole for offenders who failed local supervision and were sent to prison.

(b) Beginning with the 2013 calendar year, the statewide probation failure rate shall be calculated as the total number of adult felony probationers statewide sent to prison, or to jail pursuant to paragraph (5) of subdivision (h) of Section 1170, as a percentage of the average statewide adult felony probation population for that year.

(c) Beginning with the 2013 calendar year, the probation failure rate for each county shall be calculated as the total number of adult felony probationers sent to prison, or to jail pursuant to paragraph (5) of subdivision (h) of Section 1170, from that county, as a percentage of the county's average adult felony probation population for that year.

(d) An estimate of the number of adult felony probationers each county successfully prevented from being incarcerated. For each county, this estimate shall be calculated based on the reduction in the county's probation failure rate as calculated annually pursuant to subdivision (c) and the county's baseline probation failure rate as calculated pursuant to Section 1233. In making this estimate, the Director of Finance, in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, the Chief Probation Officers of California, and the Administrative Office of the Courts, shall adjust the calculations to account for changes in each county's adult felony probation caseload in the most recent completed calendar year as compared to the county's adult felony probation population during the 2006 to 2008, inclusive, calendar period.

(e) Beginning with the 2013 calendar year, in calculating probation failure rates for the state and individual counties, the number of adult felony probationers sent to prison, or to jail pursuant to paragraph (5) of subdivision (h) of Section 1170, shall include those adult felony probationers sent to prison, or to jail pursuant to paragraph (5) of subdivision (h) of Section 1170, for a revocation of probation, as well as adult felony probationers sent to prison, or to jail pursuant to paragraph (5) of subdivision (h) of Section 1170, for a conviction of a new felony offense. The calculation shall also include adult felony probationers who are sent to prison, or to jail pursuant to paragraph (5) of subdivision (h) of Section 1170, for a conviction of a new crime and who simultaneously have their probation terms terminated.

(f) The statewide mandatory supervision failure to prison rate. The statewide mandatory supervision failure to prison rate shall be calculated as the total number of offenders supervised under mandatory supervision pursuant to subparagraph (B) of paragraph (5) of subdivision (h) of Section 1170, statewide, sent to prison in the previous calendar year as a percentage of the average statewide mandatory supervision population for that year.

(g) A mandatory supervision failure to prison rate for each county. Each county's mandatory supervision failure to prison rate shall be calculated as the number of offenders supervised under mandatory supervision pursuant to subparagraph (B) of paragraph (5) of subdivision (h) of Section 1170 sent to prison from that county in the previous calendar year as a percentage of the county's average mandatory supervision population for that year.

(h) The statewide postrelease community supervision failure to prison rate. The statewide postrelease community supervision failure to prison rate shall be calculated as the total number of offenders supervised under postrelease community supervision pursuant to Title 2.05 (commencing with Section 3450) of Part 3, statewide, sent to prison in the previous calendar year as a percentage of the average statewide postrelease community supervision population for that year.

(i) A postrelease community supervision failure to prison rate for each county. Each county's postrelease community supervision failure to prison rate shall be calculated as the number of offenders supervised under postrelease community supervision pursuant to Title 2.05 (commencing with Section 3450) of Part 3 sent to prison from that county in the previous calendar year as a percentage of the county's average postrelease community supervision population for that year.

(j) This section shall ~~become operative on July 1, 2014.~~ remain in effect only until June 30, 2015, and as of that date is repealed.

SECTION 6. Section 1233.1 is added to the Penal Code, to read:

1233.1

After the conclusion of each calendar year, the Director of Finance, in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, the Chief Probation Officers of California, and the Judicial Council, shall calculate the following for that calendar year:

(a) The cost to the state to incarcerate in a contract facility an offender who fails local supervision and is sent to prison.

(b) The statewide local supervision admission to prison rate shall be calculated as the total statewide number of felons on adult felony probation, mandatory supervision and postrelease community supervision, sent to state prison as a percentage of the average statewide population of felons on adult felony probation, mandatory supervision and postrelease community supervision for that year.

(c) The local supervision admission to prison rate for each county shall be calculated as the total number of felons on adult felony probation, mandatory supervision and postrelease community supervision, sent to state prison, from that county, as a percentage of the county average total population of felons on adult felony probation, mandatory supervision and postrelease community supervision for that year

(d) The local supervision technical violation admission to prison rate for each county shall be calculated as the total number of adult felony probationers who had their probation revoked for a

technical violation and were sent to prison, from that county, as a percentage of the county's average adult felony probation population for that year.

(e) An estimate of the number of adult felony probationers each county successfully prevented from being incarcerated in state prison for technical probation violations. For each county, this estimate shall be calculated based on the reduction in the county's local supervision technical violation admission to prison rate as calculated annually pursuant to subdivision (d) and the county's baseline technical violation admission to prison rate as calculated pursuant to Section 1233. In making this estimate, the Director of Finance, in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, the Chief Probation Officers of California, and the Judicial Council, shall adjust the calculations to account for changes in each county's average adult felony probation population in the most recent completed calendar year as compared to the county's baseline average adult felony probation.

(f) The local supervision admission to prison for the conviction of new crime rate for each county shall be calculated as the total number of felons on adult felony probation, mandatory supervision and postrelease community supervision sent to state prison for a conviction of a new felony offense, including when their term of supervision was revoked and terminated, from that county, as a percentage of the county's average total adult felony probation, mandatory supervision and postrelease community supervision population for that year.

(g) An estimate of the number of felons on local supervision that each county successfully prevented from being incarcerated in state prison for the conviction a new crime. For each county, this estimate shall be calculated based on the reduction in the county's local supervision admission to prison for the conviction of new crime rate as calculated annually pursuant to subdivision (f) and the county's baseline rate as calculated pursuant to Section 1233. In making this estimate, the Director of Finance, in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, the Chief Probation Officers of California, and the Judicial Council, shall adjust the calculations to account for changes in each county's average adult felony probation population in the most recent completed calendar year as compared to the county's baseline average adult felony probation.

(h) This section shall become operative on July 1, 2015.

SECTION 7. Section 1233.15, added by Chapter 26 of Statutes of 2014, is repealed.

~~1233.15.~~

~~The Director of Finance, in consultation with the Administrative Office of the Courts Judicial Council, the Department of Corrections and Rehabilitation, and the Chief Probation Officers of California, shall develop a revised formula for the California Community Corrections Performance Incentives Act of 2009 that takes into consideration the significant changes to the eligibility of some felony probationers for revocation to the state prison resulting from the implementation of the 2011 Public Safety realignment, and may also take into consideration the data calculated pursuant to subdivisions (f) to (i), inclusive, of Section 1233.1. The revised formula may include adjustments to the baseline failure rate for each county. It is the intent of the Legislature that, commencing with the 2015–16 fiscal year, probation departments receive performance incentive funding pursuant to, and consistent with, this chapter for their success at reducing postrelease community supervision failure to prison rates and mandatory supervision failure to prison rates.~~

SECTION 8. Section 1233.2, added by Chapter 31 of Statutes of 2013, is repealed.

1233.2.

Annually, after the conclusion of each calendar year, the Director of Finance, in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, the Chief Probation Officers of California, and the Administrative Office of the Courts, shall identify the appropriate Probation Revocation Tier for each county for which it was estimated that the county successfully prevented any number of adult felony probationers from being incarcerated, as provided in subdivision (d) of Section 1233.1. The tiers shall be defined as follows:

(a) Tier 1. A Tier 1 county is one that has a probation failure rate, as defined in subdivision (c) of Section 1233.1, no more than 25 percent higher than the statewide probation failure rate, as defined in subdivision (b) of Section 1233.1.

(b) Tier 2. A Tier 2 county is one that has a probation failure rate, as defined in subdivision (c) of Section 1233.1, more than 25 percent above the statewide probation failure rate, as defined in subdivision (b) of Section 1233.1, but less than or equal to the 2006–08 established baseline rate of 7.88 percent.

(c) Tier 3. A Tier 3 county is one that has a probation failure rate higher than the 2006–08 established baseline rate of 7.88 percent.

SECTION 9. Section 1233.2 of the Penal Code is amended to read:

1233.23.

Annually, the Director of Finance, in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, the Chief Probation Officers of California, and the Administrative Office of the Courts Judicial Council, shall calculate a probation failure local supervision prison-admission reduction incentive payment for each eligible county, pursuant to Section 1233.2, 1233.1 for the most recently completed calendar year, as follows:

(a) ~~For a county identified as being in Tier 1, as defined in subdivision (a) of Section 1233.2, its probation failure reduction incentive payment shall equal the estimated number of probationers successfully prevented from being incarcerated, as defined by subdivision (d) of Section 1233.1, multiplied by 45 percent of the state's cost of housing an inmate in a contract facility, and to supervise on parole a probationer who was sent to prison, as defined in subdivision (a) of Section 1233.1.~~

(a) A county shall receive a payment equal the estimated number of felons on local supervision successfully prevented from being incarcerated in state prison for a technical probation violation, as defined by subdivision (e) of Section 1233.1, multiplied by 75 percent of the state's cost of housing an inmate in a contract facility, as defined in subdivision (a) of Section 1233.1.

~~(b) For a county identified as being in Tier 2, as defined in subdivision (b) of Section 1233.2, its probation failure reduction incentive payment shall equal the estimated number of probationers successfully prevented from being incarcerated, as defined by subdivision (d) of Section 1233.1, multiplied by 40 percent of the state's cost of housing an inmate in a contract facility, and to supervise on parole a probationer who was sent to prison, as defined in subdivision (a) of Section 1233.1.~~

(b) A county shall receive a payment equal the estimated number of felons on local supervision successfully prevented from being incarcerated in state prison for the conviction of a new crime,

as defined by subdivision (g) of Section 1233.1, multiplied by 50 percent of the state's cost of housing an inmate in a contract facility, as defined in subdivision (a) of Section 1233.1.

~~(a) For a county identified as being in Tier 3, as defined in subdivision (c) of Section 1233.2, its probation failure reduction incentive payment shall equal the estimated number of probationers successfully prevented from being incarcerated, as defined by subdivision (d) of Section 1233.1, multiplied by 30 percent of the state's cost of housing an inmate in a contract facility, and to supervise on parole a probationer who was sent to prison, as defined in subdivision (a) of Section 1233.1.~~

~~(d)~~ (c) A county that fails to provide information specified in Section 1231 to the Administrative Office of the Courts Judicial Council is not eligible for a probation failure reduction incentive payment.

~~(e) This section shall become operative on July 1, 2014.~~

SECTION 10. Section 1233.3 of the Penal Code is amended to read:

1233.34.

(a) It is the intent of the Legislature for counties demonstrating high success rates with felons on local supervision ~~adult felony probationers~~ to have access to performance-based funding as provided for in this section.

(b) On an annual basis, the Department of Finance, in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, the Chief Probation Officers of California, and the ~~Administrative Office of the Courts~~ Judicial Council, shall calculate 20 ~~5~~-percent of the total statewide estimated number of felons on local supervision ~~probationers~~ successfully prevented from being incarcerated in prison for counties that successfully reduce the number of felons on local supervision ~~adult felony probationers~~ incarcerated in prison multiplied by the state's cost of housing an inmate in a contract facility, ~~and to supervise on parole a probationer who was sent to prison, as defined in subdivision (a) of Section 1233.1.~~

(c) The amount estimated pursuant to subdivision (b) shall be used to provide high performance grants to county probation departments for the purpose of bolstering evidence-based probation practices designed to reduce recidivism among adult felony probationers.

(d) County probation departments eligible for these high performance grants shall be those with local supervision admission to prison rates ~~adult probation failure rates~~ more than 50 percent below the statewide average in the most recently completed calendar year.

~~(e) A county probation department that qualifies for a probation failure reduction incentive payment, as provided in Section 1233.3, and a high performance grant payment in the same year shall choose to receive either the probation failure incentive payment or the high performance grant payment. The Chief Probation Officer of a county that qualifies for both a high performance grant and a probation failure reduction incentive payment shall indicate to the Administrative Office of the Courts, by a date designated by the Administrative Office of the Courts, whether the Chief Probation Officer chooses to receive the high performance grant or probation failure reduction payment.~~

~~(f) The grants provided for in this section shall be administered by the Administrative Office of the Courts. The Administrative Office of the Courts shall seek to ensure that all qualifying probation departments that submit qualifying applications receive a proportionate share of the grant funding available based on the population of adults 18 to 25 years of age, inclusive, in each of the counties qualifying for the grants.~~

(e) Counties that are eligible to receive a high performance grant shall receive a percentage of the amount in subdivision (b) based on the population of adults 18 to 25 years of age, inclusive, in each of the counties qualifying for a high performance grant.

~~(g) (f)~~ A county that fails to provide the information specified in Section 1231 to the ~~Administrative Office of the Courts~~ Judicial Council is not eligible for a high performance grant payment.

~~(h) This section shall become operative on July 1, 2014.~~

SECTION 11. Section 1233.4 of the Penal Code is amended to read:

1233.45.

If data of sufficient quality and of the types required for the implementation of this act are not available to the Director of Finance, then the Director of Finance, in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, and the ~~Administrative Office of the Courts~~ Judicial Council, shall use the best available data to estimate local supervision admission to prison ~~probation failure~~ reduction incentive payments and high performance grants utilizing a methodology that is as consistent with that described in this act as is reasonably possible.

1233.5.

(a) It is the intent of the Legislature for counties that have demonstrated historical success in preventing felony probationers from being incarcerated to receive funding to continue this success as provided for in this section.

(b) Beginning in fiscal year 2015-16, each county shall receive a past performance payment that is equal to 60 percent of the average of the two highest years of funding that a county received for the California Community Corrections Performance Incentive Grant program in 2011-12, 2012-13, 2013-14 and 2014-15, as calculated by the Department of Finance.

(c) Notwithstanding subdivision (b), counties with a payment pursuant to Section 1233.6 for any future year that falls below the lowest payment in fiscal year 2011-12, 2012-13, 2013-14 or 2014-15, shall receive supplemental funding in order for their payment for that year to equal the lowest payment in fiscal year 2011-12, 2012-13, 2013-14 or 2014-15.

SECTION 12. Section 1233.6 of the Penal Code is amended to read:

1233.6.

(a) Local supervision prison admission ~~Probation failure~~ reduction incentive payments, ~~and high performance grants~~ and past performance payments calculated for any calendar year shall be provided to counties in the following fiscal year. The total annual payment to each county shall be divided into four equal quarterly payments.

(b) The Department of Finance shall include an estimate of the total local supervision prison admission ~~probation failure~~ reduction incentive payments, and high performance grants and past performance payment to be provided to counties in the coming fiscal year as part of the Governor's proposed budget released no later than January 10 of each year. This estimate shall be adjusted by the Department of Finance, as necessary, to reflect the actual calculations of ~~probation failure~~ local supervision prison admission reduction incentive payments, and high performance grants and past performance payment completed by the Director of Finance, in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, the Chief Probation Officers of California, and the ~~Administrative Office of the Courts~~ Judicial Council. This adjustment shall occur as part of standard budget revision processes completed by the Department of Finance in April and May of each year.

(c) There is hereby established, in the State Treasury, the State Community Corrections Performance Incentives Fund, which is continuously appropriated. Moneys appropriated for purposes of providing local supervision prison admission ~~Probation failure~~ reduction incentive payments, and high performance grants and past performance payments authorized in Sections 1230 to 1233.6, inclusive, shall be transferred into this fund from the General Fund. Any moneys transferred into this fund from the General Fund shall be administered by the ~~Administrative Office of the Courts~~ Judicial Council and the share calculated for each county probation department shall be transferred to its Community Corrections Performance Incentives Fund authorized in Section 1230.

(d) For each fiscal year, the Director of Finance shall determine the total amount of the State Community Corrections Performance Incentives Fund and the amount to be allocated to each county, pursuant to this section and Sections 1230 to 1233.5, inclusive, and shall report those amounts to the Controller. The Controller shall make an allocation from the State Community Corrections Performance Incentives Fund authorized in subdivision (c) to each county in accordance with the amounts provided.

(e) Notwithstanding Section 13340 of the Government Code, commencing July 1, 2014, and each fiscal year thereafter, the amount of one million dollars (\$1,000,000) is hereby continuously appropriated from the State Community Corrections Performance Incentives Fund to the ~~Administrative Office of the Courts~~ Judicial Council for the costs of implementing and administering this program, pursuant to subdivision (c), and the 2011 realignment legislation addressing public safety.

SECTION 13. Section 1233.61 of the Penal Code is amended to read:

1233.61.

~~Notwithstanding any other law, any moneys remaining in the State Community Corrections Performance Incentives Fund, after the calculation and award determination of each county's tier payments or high performance grant payments pursuant to Sections 1233.3 and 1233.4 shall be distributed to county probation departments as follows:~~

(a) The Department of Finance shall increase the award amount for any county whose local supervision prison admission reduction incentive payments, ~~tier payments or high performance grant payments or past performance payments~~, as calculated pursuant to Sections 1233.3, and 1233.4 and 1233.5, totals less than two hundred thousand dollars (\$200,000) to no more than two hundred thousand dollars (\$200,000).

~~(b) The Department of Finance shall adjust the award amount for any county that has a probation failure rate, as defined in subdivision (c) of Section 1233.1, that is below the statewide average, as defined in subdivision (b) of Section 1233.1, so that these counties receive no less than two hundred thousand dollars (\$200,000).~~

~~(e)~~ (b) The Department of Finance shall adjust the award amount ~~evenly distribute any remaining funds~~, up to two hundred thousand dollars (\$200,000) per county, to those counties that did not receive a local supervision prison admission reduction incentive payment tier payment or a high performance grant payment, as calculated pursuant to Sections 1233.3 and 1233.4.

~~(d) The distribution of any funds remaining after the distribution made pursuant to subdivision (e) shall be determined by the Department of Finance. The distribution may give preference to high performing counties that did not receive funding pursuant to Section 1233.4.~~

~~(e) At no time shall an award provided to a county through subdivision (c) exceed the amount of a grant award provided to counties that are eligible to receive increased award amounts pursuant to subdivision (a) or (b).~~

~~(f)~~ (c) Any county receiving funding through subdivision ~~(e)~~ (b) shall submit a report to the ~~Administrative Office of the Courts~~ Judicial Council and the Chief Probation Officers of California describing how it plans on using the funds to enhance its ability to be successful under this act. Commencing January 1, 2014, a county that fails to submit this report by March 1 annually shall not receive funding pursuant to subdivision ~~(e)~~ (b) in the subsequent fiscal year.

~~(g)~~ (d) A county that fails to provide the information specified in Section 1231 to the ~~Administrative Office of the Courts~~ Judicial Council shall not be eligible for payment pursuant to this section.